

114TH CONGRESS  
1ST SESSION

# S. 1685

To direct the Federal Communications Commission to extend to private land use restrictions its rule relating to reasonable accommodation of amateur service communications.

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## IN THE SENATE OF THE UNITED STATES

JUNE 25, 2015

Mr. WICKER (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To direct the Federal Communications Commission to extend to private land use restrictions its rule relating to reasonable accommodation of amateur service communications.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Amateur Radio Parity  
5 Act of 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) More than 700,000 radio amateurs in the  
2 United States are licensed by the Federal Commu-  
3 nications Commission in the amateur radio service.

4           (2) Amateur radio, at no cost to taxpayers, pro-  
5 vides a fertile ground for technical self-training in  
6 modern telecommunications, electronics technology,  
7 and emergency communications techniques and pro-  
8 tocols.

9           (3) There is a strong Federal interest in the ef-  
10 fective performance of amateur radio stations estab-  
11 lished at the residences of licensees. Such stations  
12 have been shown to be frequently and increasingly  
13 precluded by unreasonable private land use restric-  
14 tions, including restrictive covenants.

15           (4) Federal Communications Commission regu-  
16 lations have for 3 decades prohibited the application  
17 to amateur radio stations of State and local regula-  
18 tions that preclude or fail to reasonably accommo-  
19 date amateur service communications, or that do not  
20 constitute the minimum practicable regulation to ac-  
21 complish a legitimate State or local purpose. Com-  
22 mission policy has been and is to permit erection of  
23 a station antenna structure at heights and dimen-  
24 sions sufficient to accommodate amateur service  
25 communications.

1           (5) The Federal Communications Commission  
2           has sought guidance and direction from Congress  
3           with respect to the application of the Commission’s  
4           limited preemption policy regarding amateur radio  
5           communications to private land use restrictions, in-  
6           cluding restrictive covenants.

7   **SEC. 3. ACCOMMODATION OF AMATEUR SERVICE COMMU-**  
8                                   **NICATIONS.**

9           Not later than 120 days after the date of the enact-  
10          ment of this Act, the Federal Communications Commis-  
11          sion shall amend section 97.15(b) of title 47, Code of Fed-  
12          eral Regulations, so that such section prohibits application  
13          to amateur service communications of any private land use  
14          restriction, including a restrictive covenant, that—

15                   (1) precludes such communications;

16                   (2) fails to reasonably accommodate such com-  
17          munications; or

18                   (3) does not constitute the minimum practicable  
19          restriction on such communications to accomplish  
20          the legitimate purpose of the private entity seeking  
21          to enforce such restriction.

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